

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

- against -

ROMAN MILGRAM,

Defendant.

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**REPORT AND
RECOMMENDATION**
14 CV 1735 (CBA)

On March 17, 2014, plaintiff the United States of America (the "government") commenced this action against defendant Roman Milgram, seeking to recover a debt owed by defendant on a government-issued student loan. On September 9, 2014, this Court held a settlement conference with the parties at which a tentative settlement was discussed. The government was directed to send a proposed settlement agreement to the defendant, who has been proceeding *pro se*.

On October 14, 2014, the government requested leave to file a motion for summary judgment, indicating that, although counsel had sent a proposed stipulation of settlement to Mr. Milgram by September 25, 2014, defendant had not returned the stipulation, nor had defendant responded to the government's telephone calls. Accordingly, on October 14, 2014, this Court granted plaintiff's request and entered a scheduling Order, directing the government to file its motion for summary judgment on or before November 4, 2014; defendant was given until November 25, 2014 to respond to the motion; and the government's reply was due December 2, 2014.

On October 31, 2014, the government filed its motion for summary judgment in accordance with this Court's Order. Since that time, there has been no further contact from

defendant Milgram. He did not file a response by November 25, 2014 as instructed and the Court has received no requests for additional time from the defendant.

Accordingly, given defendant's failure to respond to the government's proposed stipulation of settlement, defendant's failure to respond to the government's telephone calls and to numerous attempts from this Court's staff to reach the defendant by telephone, and defendant's failure to respond to the motion for summary judgment, the Court respectfully recommends that, unless defendant Milgram contacts this Court on or before January 28, 2015, plaintiff's motion for summary judgment be considered unopposed and that judgment enter in favor of the United States in the amount owed under the loan.

Any objections to this Report and Recommendation must be filed with the Clerk of the Court, with a copy to the undersigned, within fourteen (14) days of receipt of this Report. Failure to file objections within the specified time waives the right to appeal the District Court's order. See 28 U.S.C. Section 636(b)(1); Fed. R. Civ. P. 6(a), 6(d), 72; Small v. Secretary of Health & Human Servs., 892 F.2d 15, 16 (2d Cir. 1989).

SO ORDERED.

Dated: Brooklyn, New York
January 14, 2015

/s/ CHERYL POLLAK

Cheryl L. Pollak
United States Magistrate Judge
Eastern District of New York